

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
L AND S CONSTRUCTION COMPANY,)
)
Appellant,)
)
vs.)
)
SPOKANE COUNTY AIR POLLUTION)
CONTROL AUTHORITY,)
)
Respondent.)

PCHEB No. 228

FINDINGS OF FACT,
CONCLUSION AND ORDER

An informal hearing on the appeal of L and S Construction Company to a Notice of Civil Penalty of \$50.00 for causing or allowing an outdoor fire came on before W. A. Gissberg, a member of the Board, on March 26, 1973 in Spokane, Washington. Appellant appeared by and through one of its owners, Bob Scarber, and respondent appeared through Fred A. Shiosaki, its director.

On the basis of testimony heard and exhibits examined, the Pollution Control Hearings Board prepared Proposed Findings of Fact, Conclusion and Order which were submitted to the appellant and

respondent on May 11, 1973. No objections or exceptions to the Proposed Order having been received, the Pollution Control Hearings Board makes and enters the following

FINDINGS OF FACT

I.

On October 2, 1972, appellant caused four open fires, each three feet in diameter, to be ignited in a residential area of the City of Spokane, Washington in the course of the construction of residences by appellant. The fires were of scrap lumber.

II.

Section 6.01 of respondent's Regulation I, makes it unlawful to ignite or allow any open fire of scrap lumber except under circumstances which are not material to this appeal.

III.

The fires had been in progress for approximately thirty minutes when the owners of appellant extinguished them immediately upon the request of respondent's inspector.

IV.

Appellant's owners were of the mistaken belief, from a radio broadcast, that all open fires were lawful. They had also observed other fires in progress, one of which was from burning tree limbs and pine cones. Such latter fires are lawful when permitted by respondent.

From the foregoing, the Board makes the following

CONCLUSION OF LAW

Appellant was in violation of Section 6.01 of respondent's

FINDINGS OF FACT,
CONCLUSION AND ORDER

1 Regulation I.

2 From which follows this

3 ORDER AND DECISION

4 The appeal is denied and respondent's Notice of Civil Penalty
5 in the amount of \$50.00 is affirmed.

6 DONE at Lacey, Washington this 14th day of June, 1973.

7 POLLUTION CONTROL HEARINGS BOARD

8 Walt Woodward
9 WALT WOODWARD, Chairman

10 W. A. Gissberg
11 W. A. GISSBERG, Member

12 James T. Sheehy
13 JAMES T. SHEEHY, Member

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26 FINDINGS OF FACT,
27 CONCLUSIONS AND ORDER